

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.349 OF 2007
IN
FIRST APPEAL NO.2872 OF 2006

.....
Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions
& Registrar's orders.
.....

Court's or
Judge's orders

.....
Mr.G.V.Pandya for the Applicant

CORAM: A.S.OKA, J.
DATE : NOVEMBER 30, 2007.

P.C.:

1. Heard Advocate for the Applicant.
Prayer (a) of the Application reads thus:

. "That pending the hearing and final disposal of the Appeal this Hon'ble Court be pleased to restrain the Respondent No.1, his family members, agents or servants, claiming through Respondent No.1 from disturbing the Applicant from cultivating the suit plot of land bearing Survey No.321, 29 Gunthas and 28 Gunthas situated at Behind Wireless Compound, Near Veer Sambhaji Nagar, S.V.Road, Dahisar (East), Mumbai 400 068."

2. The Applicant is claiming injunction in respect of the two small portions admeasuring 28 and 29 Gunthas out of Survey No.321 which is having a very vast area. The said portions are not demarcated. The demarcation sketch is also not on record. The finding of the trial court is that the Appellant has not established his title and there is no proper identification. On that ground, the suit has been dismissed.

3. In absence of proper demarcation of the area in respect of which injunction is claimed, the Applicant is not entitled to claim any relief. Hence, Application is rejected.

JUDGE